

# **EXHIBIT 1**

-----X

Respondent.

-----X

TRANSCRIBER: EMILY HOWARD

## OCEEDINGS

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1 the scope of their proper license, they want to do  
2 what they're allowed to do within the scope of that  
3 proper license to ask somebody else to come and help  
4 them, what they would basically do themselves, if  
5 they could, but they can't, don't have time, don't  
6 know how to do it, so they ask a third-party to come  
7 in and do basically what they would like to do.

8 THE COURT: Hence the argument that what  
9 your client is doing is perfectly lawful.

10 MR. ALLEN: That's true. But that goes  
11 right to the issue of how you grapple with all the  
12 discovery that the Plaintiff would like to do--

13 THE COURT: [Interposing] And that's why I'm  
14 asking them is some bifurcation--does some  
15 bifurcation make sense? Can you limit--can you agree  
16 upon a statement of facts? They want to know the  
17 universe of what it is that you're doing before they  
18 bite into--

19 MR. ALLEN: [Interposing] Well, I think Your  
20 Honor made an excellent starting suggestion, which is  
21 let's look at this issue of licensing, because the  
22 way I viewed the client's - - this case just less  
23 than a day or two ago, is that the first question  
24 everyone, uh, asked is are these consumers allowed to  
25 do, within the scope of their licenses, what they're

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1 asking Rimini to do?

2 And I just heard the issue of cross, uh--or  
3 using, uh, software for things they're not supposed  
4 to do. From what I've seen at Rimini, all they ever  
5 do is exactly what the consumer could do. And to the  
6 extent that Oracle's worried about cross-using of  
7 licenses, they are meticulous--and this is why it's  
8 not like the SAP case--they are meticulous at making  
9 sure--

10 THE COURT: [Interposing] They think your  
11 client has, uh, erased data that makes it difficult  
12 to trace exactly what you've done, that you've  
13 deleted data.

14 MR. ALLEN: From what I've seen so far, this  
15 client is very meticulous about making sure that they  
16 do exactly what that consumer has a license to do.  
17 And to the extent they might, uh, create economies of  
18 scale by taking what Consumer A can do and it's  
19 exactly what Consumer B can do, they may create  
20 economies of scale doing the exact same thing for  
21 Consumer B within the parameters and the scope of the  
22 license that Consumer B's allowed to do, which  
23 matches what Consumer A did.

24 THE COURT: And what is--

25 MR. ALLEN: [Interposing] Now they want to

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1 call that cross-using software improperly, but--but  
2 really it's not. It's within the parameters of the  
3 license doing what that consumer is entitled to do.  
4 And--and maybe the way for this case to get resolved  
5 is to just define--uh, Oracle can define and we can  
6 all agree what's appropriate.

7 I think the concern in this case is that  
8 Oracle's reporting to its shareholders, they want to  
9 do what they did with SAP, which is eliminate that  
10 whole side industry and keep that for themselves.  
11 And of course they would want to do that. Um, all of  
12 us would if that's what we could do. But the real  
13 issue is what this proper--

14 THE COURT: [Interposing] If it belongs to  
15 them, they can and if it doesn't, they can't. I  
16 mean...

17 MR. ALLEN: That's right. And consumers, we  
18 believe, have a right to have a third party come in,  
19 within the proper scope of their license, fix and  
20 make updates and do repairs--

21 THE COURT: [Interposing] Right. So is the  
22 issue resolvable as a matter of law and a reasonable  
23 amount of discovery, Mr. Allen? That's what I asked  
24 the Plaintiff, I hope, in plain English, without  
25 going through the massive project that this is.

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1 Would you agree--can you agree with the Plaintiff on  
2 what a representative sample of the discovery is to  
3 present the issue to a judge to get a decision as a  
4 matter of law and what it is that you are doing?

5 First, can you agree on what you're doing?  
6 And two, can you, uh, agree, uh, on whether, uh,  
7 there's a--a small enough universe of licenses that  
8 are involved? And three, can you frame the issue for  
9 dispositive motion practice?

10 MR. ALLEN: I would say on behalf of Rimini,  
11 yes. In fact, that's one of the reasons we were here  
12 today, to make sure that that's what happens, as  
13 opposed to what I perceive has happened, is Oracle  
14 thought this might be just SAP Case II. They came in  
15 and realize that it was not, because this company is  
16 very meticulous in making sure that they do only what  
17 that licensee can do.

18 And so what's happened, in my view so far,  
19 is that Oracle now realizes we don't have the massive  
20 what they would deem as fraud or improper conduct.  
21 What we might have, if we can get enough samples, is  
22 individual episodes of maybe a little error here, a  
23 little error there and couple those all together and  
24 be able to show this horrible story.

25 But what the truth is is we're here because

OCEEDINGS

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of any depth. At least, it is for me.

So we'll see you back, see if we have, uh, some, um, substantial progress and if we have a proposal for, uh, trimming this down into more manageable parts. And if not, that's what I get paid the big bucks to decide, so...[laughter] Thank you for appearing here, counsel. Good day.

MR. HOWARD: Thank you, Your Honor.

MR. MILLER: All rise.

[END OF HEARING]

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C E R T I F I C A T E

I, Emily Howard certify that the foregoing transcript of proceedings in the United States District Court of Nevada:

Oracle Inc. et al v Rimini Street, Inc. et al Docket No.

-cv00106LRHPAL was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature:

Date: April 8, 2011

# **EXHIBIT 2**

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA (Las Vegas)

3  
4 In the matter of:

5 ORACLE USA, INC., a Colorado corporation;

6 ORACLE AMERICA, INC., a Delaware Corporation;

7 and ORACLE INTERNATIONAL CORPORATION,

8 a California corporation,

9 Plaintiffs,

Case No. 2:10-cv-0106-LRH-PAL

10 v.

11  
12 RIMINI STREET, INC., a Nevada corporation; and

13 SETH RAVIN, an individual,

14 Defendants.

15  
16  
17 Lloyd D. George U.S. Courthouse

18 333 Las Vegas Blvd. South

19 Las Vegas, NV

20 November 8, 2011

21 9:00 AM

22  
23 B E F O R E:

24 HON. MAGISTRATE PEGGY A. LEEN

25 DISTRICT COURT JUDGE

<p>1 corporation that has superior knowledge 2 to Ms. Williams about this issue?</p> <p>3 MR. RECKERS: No. And so that's one 4 of the reasons we put it in our brief. 5 And the deposition transcript just went 6 final. So I think that with her 7 testimony -- she was deposed, obviously, 8 on this important issue at some length.</p> <p>9 THE COURT: You're telling me that 10 <u>this is the best answer that your</u> 11 <u>corporation can provide because she is</u> 12 <u>the most knowledgeable person and she has</u> 13 <u>what level of detail the corporation has.</u></p> <p>14 MR. RECKERS: Absolutely.</p> <p>15 THE COURT: And you're bound by 16 that.</p> <p>17 MR. RECKERS: Yes, Your Honor.</p> <p>18 THE COURT: And you're not going to 19 claim that she's incorrect?</p> <p>20 MR. RECKERS: If we -- we're going 21 to put the citations down and we're going 22 to review the citations and put the ones 23 down that the corporation was bound by. 24 And as I stand here today, my general 25 understanding is that she's correct and</p> <p style="text-align: right;">Page 18</p>	<p>1 relevant. They were not disclosed as a 2 source of information. We found them by 3 asking questions in depositions and then 4 by finding a remnant of a file in a 5 personal virtual machine from one of our 6 witnesses that was the menu for the 7 SharePoint system. And it was revelatory 8 because what it shows is links between 9 the different materials that are on there 10 that are the specific materials that are 11 central to the case. The software copies 12 that they have, the way that they label 13 those, the way that they bring them up. 14 Exhibit R, to my -- to the Howard 15 declaration, is one of the exhibits that 16 we used in that deposition. It was Mr. 17 Conway's (ph.) deposition.</p> <p>18 So there is an important category of 19 information that you can only have, and 20 our experts can only have, by seeing the 21 interrelationship that is revealed 22 through the dynamic system that is 23 SharePoint, how it's used, how they're 24 brought out, how they're labeled, what 25 they mean. That's how they use the</p> <p style="text-align: right;">Page 20</p>
<p>1 <u>that is the corporation's answers to</u> 2 <u>these questions.</u></p> <p>3 THE COURT: And how soon are you 4 going to be in a position to supplement 5 your response with her testimony that's 6 now the corporation's answer?</p> <p>7 MR. RECKERS: It certainly can be 8 served within the next ten days.</p> <p>9 THE COURT: Thank you. Oracle's 10 motion to compel omitted responses to 11 interrogatories number 24 and 25 is 12 granted to the extent that Rimini shall 13 supplement answers to Interrogatory 14 number 24 and 25 with the information 15 provided with Ms. Williams clarifying 16 that it is the corporation's response and 17 within fourteen days of today's date and 18 denied in all other respects.</p> <p>19 I'll hear from you on your motion to 20 compel "Read-Only" access to Rimini's 21 SharePoint internet.</p> <p>22 MR. HOWARD: Thank you, Your Honor. 23 Geoff Howard. With respect to the 24 SharePoint materials, I don't think 25 there's any dispute that t they are</p> <p style="text-align: right;">Page 19</p>	<p>1 software.</p> <p>2 What we do have as a result, 3 violates Rule 34 both because it doesn't 4 reveal those characteristics of the data 5 as they exist in the --</p> <p>6 THE COURT: But you've reached an 7 agreement to the beginning of this case 8 about what you were going to do and if 9 what you got in response to the 10 electronic request for data was 11 inadequate. And you have a procedure in 12 place and you've been operating under 13 that procedure in place to request native 14 information for files in which you agree 15 the .tif version of it is inadequate for 16 purposes. So how are they violating any 17 rule when you reached an agreement about 18 we're going to do it this way at first 19 and then if you need something else, let 20 us know and we'll talk about it and 21 provide it if we think that's reasonable.</p> <p>22 MR. HOWARD: Yeah. And I think that 23 is all right and true as far as it goes 24 and it applies and the parties have been 25 operating under that quite well with</p> <p style="text-align: right;">Page 21</p>

1		1	
2	I N D E X	2	C E R T I F I C A T I O N
3		3	
4	R U L I N G S	4	I, Lisa Bar-Leib, hereby certify that the
5		5	foregoing is a true and correct transcription, to
6	DESCRIPTION PAGE LINE	6	the best of my ability, of the sound recorded
7	Plaintiffs' request to compel 19 17	7	proceedings submitted for transcription.
8	amended responses to interrogatories	8	
9	#24 and #25 GRANTED to the extent	9	I further certify that I am not employed by
10	defendant shall supplement answers to	10	nor related to any party to this action.
11	interrogatories with information	11	
12	provided by Ms. Williams clarifying that	12	In witness whereof, I hereby sign this date:
13	it is corporation's response within	13	November 14, 2011.
14	14 days of this date's hearing and	14	
15	DENIED in all other respects	15	
16		16	
17	Plaintiffs' request to compel 29 21	17	
18	read-only access DENIED and	18	
19	plaintiffs' counsel shall be	19	LISA BAR-LEIB
20	required to request on an	20	AAERT Certified Transcriber (CET**D-486)
21	individual basis type of information	21	
22	and level of detail that they	22	
23	are seeking	23	
24		24	
25		25	
	Page 46		Page 48
1			
2	I N D E X, cont'd		
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4	R U L I N G S		
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6	DESCRIPTION PAGE LINE		
7	Court will GRANT plaintiff up to 2 34 4		
8	days to conduct deposition of Mr.		
9	Ravin subject to defense counsel's		
10	belief that plaintiff will conduct		
11	examination that is reasonable and		
12	not meant to harass witness in any		
13	way in which case defense may seek		
14	remedies under Rule 30(d)		
15			
16	Defendants' request for clarification 37 20		
17	concerning pretrial depositions is		
18	such that no additional depositions		
19	are permitted after conclusion of		
20	discovery, after dispositive motions		
21	have been ruled on and after joint		
22	pretrial order was filed without		
23	strong showing of good cause that		
24	defendants could not have anticipated		
25	parties named as trial witnesses		
	Page 47		

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# **EXHIBIT 3**

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC., a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 SETH RAVIN, an individual;

Defendants.

CASE NO. 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,  
 ORACLE AMERICA, INC., AND  
 ORACLE INTERNATIONAL  
 CORPORATION'S FIFTH SET OF  
 INTERROGATORIES TO DEFENDANT  
 RIMINI STREET, INC.**

PROPOUNDING PARTY: Plaintiff Oracle International Corporation

RESPONDING PARTY: Defendant Rimini Street, Inc.

SET NO.: Five

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiffs hereby request that Defendant Rimini Street, Inc. answer the following Interrogatories.

**DEFINITIONS AND INSTRUCTIONS**

For purposes of these Interrogatories:

1. The term "Environment" means a copy of Oracle software that results from installation of that software.

2. The term "Identify" means to give, to the extent known, (1) the name of the item, including product name and type, brand, type of media (e.g., CD), any name You assigned the item, and version number where applicable; (2) the location of the item (physical location or, if stored on an Identified Rimini Computer System, the network location); (3) the total quantity of items; (4) the date on which You acquired or produced the item, and (5) the customer from whom it was obtained and/or in whose name it was being held at the pertinent times.

3. The term "Identified Rimini Computer System(s)" refers to any computer, computer system, server, electronic storage environment, or network device in Rimini's possession, custody, or control, including but not limited to those systems identified or referenced in Rimini Street Inc.'s Responses or First Supplemental Responses to Plaintiffs' First Set of Interrogatories, Nos. 6, 7, 8, 9, 10, 11 or 12.

4. The term "Installation Media" refers to any CD, DVD, download, electronic file, or similar item that can be or has been used to install software on Identified Rimini Computer System(s).

5. The term "Non-Customer Location" means any location on an Identified Rimini Computer System that is not referenced to a unique Rimini customer, is not specific to a unique Rimini customer, or is not exclusively used or designated for a unique Rimini customer. This includes but is not limited to the following Rimini network locations: \\rsi-clsvr01\client\_software\PeopleSoft, \\rsi-clsvr01\internal\_software\, \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com\, \\rsi-data01\share\software\oracle, \\rsi-data01\share\software\PeopleSoft, and \\10.12.1.5\fileshare\software\PeopleSoft.

1           6.       The term “Oracle” refers the plaintiffs named in the April 19, 2010 First  
2 Amended Complaint: Oracle USA, Inc., Oracle America, Inc., and Oracle International  
3 Corporation any of its predecessors, successors, parents, subsidiaries, and affiliates.

4           7.       The term “Personnel” refers to past and current Rimini employees and any  
5 contractors or other third parties hired by Rimini.

6           8.       The term “Response(s)” refers to Your interrogatory response(s), including any  
7 amended and supplemental responses.

8           9.       The terms “Rimini,” “You,” and “Your” refer to Rimini Street, Inc., all of its  
9 parents, subsidiaries and affiliates, and all of their present and former officers, directors, agents,  
10 consultants, attorneys, employees – including Seth Ravin – or other persons acting for or on  
11 behalf of any of them.

12          10.      The term “Software and Support Materials” means software applications and  
13 environments, program updates, software updates, bug fixes, patches, custom solutions, and  
14 instructional and knowledge base documents for any families of software products provided by  
15 Oracle, including but not limited to those of the PeopleSoft, J.D. Edwards, Siebel, and Oracle  
16 database families of software products.

17          11.      The term “Source” means the origin and name of all Installation Media, Software  
18 and Support Materials and/or existing Environment used to create an Environment (including all  
19 Sources for any predecessor iterations or versions incorporated into an Environment, if  
20 applicable), and further includes (1) the network or physical location(s) of the Source at the time  
21 it was used; (2) the customer from which or on whose behalf you claim to have obtained each  
22 Source (and, if you obtained a Source from Oracle, the website or media from which it was  
23 obtained); and (3) the identity (by name) of any other Environment used as a Source.

24          12.      Unless otherwise stated, the time period covered by these Interrogatories is the  
25 time period beginning January 1, 2005. The topics are not limited to Rimini’s current practices,  
26 systems, and Personnel. The topics extend to practices, systems, and Personnel in place at any  
27 time since January 1, 2005.

28          13.      These Interrogatories are to be considered continuing in nature, and You must

promptly furnish supplemental responses if any additional responsive information is discovered or created after Your responses are tendered, or if any of Your responses are subsequently determined to be incorrect, incomplete, or misleading in any respect.

## **INTERROGATORIES**

### **INTERROGATORY NO. 20:**

For each Environment listed on Exhibit A or contained within a virtual machine listed on Exhibit A, Identify the Environment and the Source(s) from which You obtained all Installation Media used to create or modify that Environment. For example, if an Environment was created by cloning (copying) a previously existing Environment, which in turn was created from Installation Media stored on an Identified Rimini Computer System, which in turn were copied from physical Installation Media obtained directly from a specific client, the response should Identify the origins, names, locations at time of use, customer(s) from which or on whose behalf you claim to have obtained the materials (if applicable), and website(s) or media from which you obtained the materials (if applicable) for (1) the previous Environment, (2) the electronic copy of Installation Media, and (3) the physical Installation Media, and the role of each in serving as a source.

### **INTERROGATORY NO. 21:**

For each Environment that ever existed on any Identified Rimini Computer System (excluding Environments listed on Exhibit A or contained within a virtual machine listed on Exhibit A), including but not limited to the Environments listed on Exhibit B or contained within a virtual machine listed on Exhibit B, Identify the Environment and the Source(s) from which You obtained all Installation Media used to create or modify that Environment. For example, if an Environment was created by cloning (copying) a previously existing Environment, which in turn was created from Installation Media stored on an Identified Rimini Computer System, which in turn were copied from physical Installation Media obtained directly from a specific client, the response should Identify the origins, names, locations at time of use, customer(s) from which or

on whose behalf you claim to have obtained the materials (if applicable), and website(s) or media from which you obtained the materials (if applicable) for (1) the previous Environment, (2) the electronic copy of Installation Media, and (3) the physical Installation Media, and the role of each in serving as a source.

**INTERROGATORY NO. 22:**

For each Environment Identified in Your Responses to Interrogatories No. 20 and 21, Identify the Source(s) from which You obtained all fixes, patches, updates, and other Software and Support Materials (other than Installation Media) used to create or modify that Environment. For example, if an Environment was modified by applying bundles from Oracle, TomorrowNow and Rimini Street, the response should Identify the name, the sources and the locations of each of those bundles, customer(s) from which or on whose behalf you claim to have obtained the materials (if applicable), and website(s) or media from which you obtained the materials (if applicable).

**INTERROGATORY NO. 23:**

For every Environment Identified in your Responses to Interrogatories No. 20 and 21, describe each instance in which the Environment (including any Software and Support Materials contained therein) was copied or used for a customer other than the specific customer, if any, from which or on whose behalf You claim to have obtained the Environment. If You do not claim to have obtained a particular Environment from or on behalf of a specific customer, describe each instance in which that copy of that Environment (or of any Software and Support Materials contained therein) was copied or used.

**INTERROGATORY NO. 24:**

Identify every copy of any Software and Support Material that is or has at any time been stored at each Non-Customer Location, and the Non-Customer location where it was stored. If any Non-Customer Locations have existed for which You cannot identify any particular

Software and Support Material stored at that location, Identify each such Non-Customer Location.

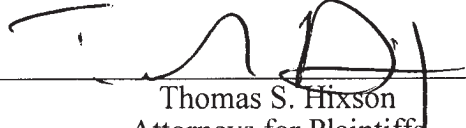
**INTERROGATORY NO. 25:**

For every copy of Software and Support Materials identified in your Response to Interrogatory No. 24, describe each instance in which the copy of Software and Support Materials was copied or used for a customer other than the specific customer, if any, from which or on whose behalf You claim to have obtained the Software and Support Materials that was copied or used. If You do not claim to have obtained a copy of Software and Support Materials identified in your Response to Interrogatory No. 24 from or on behalf of a specific customer, describe each instance in which that copy of Software and Support Materials was copied or used.

DATED: May 25, 2011

Bingham McCutchen LLP

By: \_\_\_\_\_

  
Thomas S. Hixson  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle America, Inc., and  
Oracle International Corporation

PROOF OF SERVICE

I am a citizen of the United States, over 18 years of age, not a party to this action and employed in the County of San Francisco, California at Three Embarcadero Center, San Francisco, California 94111-4067.

Today I served the foregoing:

PLAINTIFFS ORACLE USA, INC., ORACLE AMERICA, INC.,  
AND ORACLE INTERNATIONAL CORPORATION'S FIFTH  
SET OF INTERROGATORIES TO DEFENDANT RIMINI  
STREET, INC.

by causing a true and correct copy of the above to be hand delivered in a sealed envelope with all fees fully paid, addressed as follows:

Eric Buresh, Esq.  
Shook, Hardy & Bacon L.L.P.  
2555 Grand Blvd.  
Kansas City, Missouri 64108

I declare that I effected the service at the direction of a member of the bar of this court and that this declaration was executed on May 25, 2011.

  
Shirlyn Kim



# **EXHIBIT 4**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANT RIMINI STREET INC.'S  
SECOND SUPPLEMENTAL  
RESPONSES TO PLAINTIFFS'  
INTERROGATORIES NOS. 24 AND 25**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Rimini Street, Inc. ("Rimini Street") provides the following responses to Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp.'s ("Oracle" or "Plaintiff") Fifth Set of Interrogatories.

**GENERAL OBJECTIONS**

Rimini Street incorporates its prior General and Specific Objections, stated in Rimini Street's Objections and Responses to Plaintiffs' First Set of Interrogatories, which were served on June 1, 2010, and in Rimini Streets Objections and Responses to Plaintiffs' Fifth Set of Interrogatories, which were served on July 11, 2011.

**RESPONSES AND SPECIFIC OBJECTIONS**

**INTERROGATORY NO. 24:**

Identify every copy of any Software and Support Material that is or has at any time been stored at each Non-Customer Location, and the Non-Customer location where it was stored. If any Non-Customer Locations have existed for which you cannot identify any particular Software and Support Material stored at that location, Identify each such Non-Customer Location.

**ORIGINAL ANSWER (July 11, 2011):**

Rimini Street objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks information for "any" materials that "is or has at any time" stored in the various identified locations. Rimini Street objects to this interrogatory to the extent it seeks information that is not within the possession, custody, or control of Rimini Street. Rimini Street objects to the term "Non-Customer Location," and Oracle's definition of this term, as vague, ambiguous, overbroad and unduly burdensome. Accordingly, and without conceding that Oracle's Specified Locations meet Oracle's definition of Non-Customer Locations, Rimini will provide an answer for the Oracle Specified Locations. Rimini Street further objects to this interrogatory on the grounds that it would require Rimini Street to create a compilation, abstract, or summary from documents that Rimini Street has produced or will produce to Plaintiffs.

Subject to and without waiver of the foregoing general and specific objections, Rimini Street responds as follows:

1 Rimini responds that, pursuant to Federal Rule of Civil Procedure 33(d), Rimini has  
 2 produced and/or will produce documents from which the answer to this Interrogatory can be  
 3 ascertained, including but not limited to the following:

4 Exhibit 3, which lists Bates-numbers for documents regarding the Oracle Specified  
 5 Locations. More specifically, the documents identified by Exhibit 3 indicate the contents of the  
 6 Oracle Specified Locations, as well as use of such information.

7 **FIRST SUPPLEMENTAL ANSWER (September 8, 2011):**

8 Rimini Street objects to this Interrogatory as overly broad and unduly burdensome to the  
 9 extent it seeks information for “any” materials that “is or has at any time” stored in the various  
 10 identified locations. Rimini Street objects to this interrogatory to the extent it seeks information that  
 11 is not within the possession, custody, or control of Rimini Street. Rimini Street objects to the term  
 12 “Non-Customer Location,” and Oracle’s definition of this term, as vague, ambiguous, overbroad and  
 13 unduly burdensome. Accordingly, and without conceding that Oracle’s Specified Locations meet  
 14 Oracle’s definition of Non-Customer Locations, Rimini will provide an answer for the Oracle  
 15 Specified Locations. Rimini will further provide an answer with respect to network and local  
 16 computer locations that, at any time, were intended for use, or were regularly used as, repositories of  
 17 Oracle Software and Support Materials that are not associated with a specific customer. Rimini  
 18 Street further objects to this interrogatory on the grounds that it would require Rimini Street to create  
 19 a compilation, abstract, or summary from documents that Rimini Street has produced or will produce  
 20 to Plaintiffs.

21 Subject to and without waiver of the foregoing general and specific objections, Rimini Street  
 22 further responds as follows:

23 Rimini identifies the following as locations that currently or at one time included Oracle  
 24 Software and Support Materials:

25 \\rsi-clsvr01\client\_software\PeopleSoft;

26 \\rsi-clsvr01\internal\_software;

27 \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com;

1       \\rsi-data01\share\software\oracle;  
2       \\rsi-data01\share\software\PeopleSoft;  
3       \\rsi-clsvr01\fileshare\software\Peoplesoft;  
4       \\rsi-clsvr01\client\_software\For Development Use Only; and  
5       \\rsi-clsvr03\d01\install.

6       The location \\rsi-clsvr01\client\_software\PeopleSoft has included materials relating to  
7 PeopleSoft software. In the past, certain materials at this location may have been used in building  
8 environments for a particular client after Rimini verified that the particular client was entitled to  
9 these certain materials.

10       The location \\rsi-clsvr01\internal\_software was a parent directory with subdirectories that  
11 have included installation materials relating to PeopleSoft software and Oracle Database software. In  
12 the past, certain materials at this location may have been used in building environments for a  
13 particular client after Rimini verified that the particular client was entitled to these certain materials.

14       The location \\rsi-clsvr03\d01\install has included Software and Support Materials. In the  
15 past, certain materials at this location may have been used in building environments for a particular  
16 client after Rimini verified that the particular client was entitled to these certain materials.

17       The location \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com has included materials  
18 obtained from PeopleSoft's FTP website. This location was, at one time, intended to be used as a  
19 repository for materials for clients that had the right to access such materials through PeopleSoft's  
20 FTP site.

21       The location \\rsi-data01\share\software\oracle has included materials relating to Oracle  
22 Database software.

23       The location \\rsi-data01\share\software\PeopleSoft has included materials relating to  
24 PeopleSoft software.

25       The location \\rsi-clsvr01\client\_software\For Development Use Only has included materials  
26 relating to Oracle Software and Support Materials. Oracle has had access to this location via VPN  
27 for some time.

1 The address \\rsi-clsvr01\fileshare\software\Peoplesoft provides a link to \\rsi-  
2 clsvr01\client\_software\PeopleSoft, which may include Software and Support materials and  
3 described above. Additionally, the address 10.12.1.5 is the IP Address for \\rsi-clsvr01, which may  
4 include Software and Support materials as described above. Rimini further responds that, pursuant to  
5 Federal Rule of Civil Procedure 33(d), Rimini has produced and/or will produce documents from  
6 which the answer to this Interrogatory can be ascertained, including but not limited to the following:

7 Exhibit 3-1, which lists Bates-numbers for documents regarding the Oracle Specified  
8 Locations. More specifically, the documents identified by Exhibit 3-1 indicate the contents of the  
9 Oracle Specified Locations, as well as use of such information.

10 The documents spanning Bates-range RSI02971994-2158, which are Build Requests that  
11 may indicate the sources for environment builds.

12 **SECOND SUPPLEMENTAL ANSWER (November 22, 2011):**

13 Rimini Street objects to this Interrogatory as overly broad and unduly burdensome to the  
14 extent it seeks information for “any” materials that “is or has at any time” stored in the various  
15 identified locations. Rimini Street objects to this interrogatory to the extent it seeks information that  
16 is not within the possession, custody, or control of Rimini Street. Rimini Street objects to the term  
17 “Non-Customer Location,” and Oracle’s definition of this term, as vague, ambiguous, overbroad and  
18 unduly burdensome. Accordingly, and without conceding that Oracle’s Specified Locations meet  
19 Oracle’s definition of Non-Customer Locations, Rimini will provide an answer for the Oracle  
20 Specified Locations. Rimini will further provide an answer with respect to network and local  
21 computer locations that, at any time, were intended for use, or were regularly used as, repositories of  
22 Oracle Software and Support Materials that are not associated with a specific customer. Rimini  
23 Street further objects to this interrogatory on the grounds that it would require Rimini Street to create  
24 a compilation, abstract, or summary from documents that Rimini Street has produced or will produce  
25 to Plaintiffs.

26 Subject to and without waiver of the foregoing general and specific objections, Rimini Street  
27 further responds as follows:

1 Rimini identifies the following as locations that currently or at one time included Oracle  
2 Software and Support Materials:

3 \\rsi-clsvr01\client\_software\PeopleSoft;  
4 \\rsi-clsvr01\internal\_software;  
5 \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com;  
6 \\rsi-data01\share\software\oracle;  
7 \\rsi-data01\share\software\PeopleSoft;  
8 \\rsi-clsvr01\fileshare\software\Peoplesoft;  
9 \\rsi-clsvr01\client\_software\For Development Use Only; and  
10 \\rsi-clsvr03\d01\install.

11 The location \\rsi-clsvr01\client\_software\PeopleSoft has included materials relating to  
12 PeopleSoft software. In the past, certain materials at this location may have been used in building  
13 environments for a particular client after Rimini verified that the particular client was entitled to  
14 these certain materials.

15 The location \\rsi-clsvr01\internal\_software was a parent directory with subdirectories that  
16 have included installation materials relating to PeopleSoft software and Oracle Database software. In  
17 the past, certain materials at this location may have been used in building environments for a  
18 particular client after Rimini verified that the particular client was entitled to these certain materials.

19 The location \\rsi-clsvr03\d01\install has included Software and Support Materials. In the  
20 past, certain materials at this location may have been used in building environments for a particular  
21 client after Rimini verified that the particular client was entitled to these certain materials.

22 The location \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com has included materials  
23 obtained from PeopleSoft's FTP website. This location was, at one time, intended to be used as a  
24 repository for materials for clients that had the right to access such materials through PeopleSoft's  
25 FTP site.

26 The location \\rsi-data01\share\software\oracle has included materials relating to Oracle  
27 Database software.

1 The location \\rsi-data01\share\software\PeopleSoft has included materials relating to  
2 PeopleSoft software.

3 The location \\rsi-clsvr01\client\_software\For Development Use Only has included materials  
4 relating to Oracle Software and Support Materials. Oracle has had access to this location via VPN  
5 for some time.

6 The address \\rsi-clsvr01\fileshare\software\Peoplesoft provides a link to \\rsi-  
7 clsvr01\client\_software\PeopleSoft, which may include Software and Support materials and  
8 described above. Additionally, the address 10.12.1.5 is the IP Address for \\rsi-clsvr01, which may  
9 include Software and Support materials as described above.

10 The testimony from the October 5, 2011 deposition of Krista Williams at 24:24-26:14, 27:7-  
11 28:2, 28:14-30:6, 32:1-33:19, 36:5-39:21, 45:19-46:5, 54:3-54:25, 56:18-57:18, 58:13-59:18, 60:9-  
12 62:5, 63:4-63:17, and 190:1-190:21.

13 Rimini further responds that, pursuant to Federal Rule of Civil Procedure 33(d), Rimini has  
14 produced and/or will produce documents from which the answer to this Interrogatory can be  
15 ascertained, including but not limited to the following:

16 Exhibit 3-1, which lists Bates-numbers for documents regarding the Oracle Specified  
17 Locations. More specifically, the documents identified by Exhibit 3-1 indicate the contents of the  
18 Oracle Specified Locations, as well as use of such information.

19 The documents spanning Bates-range RSI02971994-2158, which are Build Requests that  
20 may indicate the sources for environment builds.

21 **INTERROGATORY NO. 25:**

22 For every copy of Software and Support Materials identified in your Response to  
23 Interrogatory No. 24, describe each instance in which the copy of Software and Support Materials  
24 was copied or used for a customer other than the specific customer, if any, from which or on whose  
25 behalf You claim to have obtained the Software and Support Materials that was copied or used. If  
26 you do not claim to have obtained a copy of Software and Support Materials indentified in your  
27  
28



1 Response to Interrogatory No. 24 from or on behalf of a specific customer, describe each instance in  
2 which that copy of Software and Support Materials was copied or used.

3 **ORIGINAL ANSWER (July 11, 2011):**

4 Rimini Street objects to this Interrogatory as overly broad and unduly burdensome. Rimini  
5 Street objects to this interrogatory to the extent it seeks information that is not within the possession,  
6 custody, or control of Rimini Street. Rimini Street objects to the phrases “Non-Customer Location,”  
7 and “used for a customer other than the specific customer” on the grounds and to the extent they are  
8 vague and ambiguous. Rimini Street further objects to this interrogatory on the grounds that it  
9 would require Rimini Street to create a compilation, abstract, or summary from documents that  
10 Rimini Street has produced or will produce to Plaintiffs.

11 Subject to and without waiver of the foregoing general and specific objections, Rimini Street  
12 responds as follows:

13 Rimini further responds that, pursuant to Federal Rule of Civil Procedure 33(d), Rimini has  
14 produced and/or will produce documents from which the answer to this Interrogatory can be  
15 ascertained, including but not limited to the following:

16 Exhibit 3, which lists Bates-numbers for documents regarding the Oracle Specified  
17 Locations. More specifically, the documents identified by Exhibit 3 indicate the contents of the  
18 Oracle Specified Locations, as well as use of such information.

19 **FIRST SUPPLEMENTAL ANSWER (September 8, 2011):**

20 Rimini Street objects to this Interrogatory as overly broad and unduly burdensome. Rimini  
21 Street objects to this interrogatory to the extent it seeks information that is not within the possession,  
22 custody, or control of Rimini Street. Rimini Street objects to the phrases “Non-Customer Location,”  
23 and “used for a customer other than the specific customer” on the grounds and to the extent they are  
24 vague and ambiguous. Rimini will further provide an answer with respect to network and local  
25 computer locations that, at any time, were intended for use, or were regularly used as, repositories of  
26 Oracle Software and Support Materials that are not associated with a specific customer. Rimini  
27 Street further objects to this interrogatory on the grounds that it would require Rimini Street to create  
28

1 a compilation, abstract, or summary from documents that Rimini Street has produced or will produce  
2 to Plaintiffs.

3 Subject to and without waiver of the foregoing general and specific objections, Rimini Street  
4 further responds as follows:

5 Rimini identifies the following as locations that currently or at one time included Oracle  
6 Software and Support Materials:

7 \\rsi-clsvr01\client\_software\PeopleSoft;

8 \\rsi-clsvr01\internal\_software;

9 \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com;

10 \\rsi-data01\share\software\oracle;

11 \\rsi-data01\share\software\PeopleSoft;

12 \\rsi-clsvr01\fileshare\software\Peoplesoft;

13 \\rsi-clsvr01\client\_software\For Development Use Only; and

14 \\rsi-clsvr03\d01\install.

15 The location \\rsi-clsvr01\client\_software\PeopleSoft has included materials relating to  
16 PeopleSoft software. In the past, certain materials at this location may have been used in building  
17 environments for a particular client after Rimini verified that the particular client was entitled to  
18 these certain materials.

19 The location \\rsi-clsvr01\internal\_software was a parent directory with subdirectories that  
20 have included installation materials relating to PeopleSoft software and Oracle Database software. In  
21 the past, certain materials at this location may have been used in building environments for a  
22 particular client after Rimini verified that the particular client was entitled to these certain materials.

23 The location \\rsi-clsvr03\d01\install has included Software and Support Materials. In the  
24 past, certain materials at this location may have been used in building environments for a particular  
25 client after Rimini verified that the particular client was entitled to these certain materials.

26 The location \\rsi-data01\share\client\_archives\\_ftp.peoplesoft.com has included materials  
27 obtained from PeopleSoft's FTP website. This location was, at one time, intended to be used as a  
28

1 repository for materials for clients that had the right to access such materials through PeopleSoft's  
2 FTP site.

3 The location \\rsi-data01\share\software\oracle has included materials relating to Oracle  
4 Database software.

5 The location \\rsi-data01\share\software\PeopleSoft has included materials relating to  
6 PeopleSoft software.

7 The location \\rsi-clsvr01\client\_software\For Development Use Only has included materials  
8 relating to Oracle Software and Support Materials. Oracle has had access to this location via VPN  
9 for some time.

10 The address \\rsi-clsvr01\fileshare\software\Peoplesoft provides a link to \\rsi-  
11 clsvr01\client\_software\PeopleSoft, which may include Software and Support materials and  
12 described above. Additionally, the address 10.12.1.5 is the IP Address for \\rsi-clsvr01, which may  
13 include Software and Support materials as described above.

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16 ascertained, including but not limited to the following:

17 Exhibit 3-1, which lists Bates-numbers for documents regarding the Oracle Specified  
18 Locations. More specifically, the documents identified by Exhibit 3-1 indicate the contents of the  
19 Oracle Specified Locations, as well as use of such information.

20 The documents spanning Bates-range RSI02971994-2158, which are Build Requests that  
21 may indicate the sources for environment builds.

22 **SECOND SUPPLEMENTAL ANSWER (November 22, 2011):**

23 Rimini Street objects to this Interrogatory as overly broad and unduly burdensome. Rimini  
24 Street objects to this interrogatory to the extent it seeks information that is not within the possession,  
25 custody, or control of Rimini Street. Rimini Street objects to the phrases "Non-Customer Location,"  
26 and "used for a customer other than the specific customer" on the grounds and to the extent they are  
27 vague and ambiguous. Rimini will further provide an answer with respect to network and local  
28

1 computer locations that, at any time, were intended for use, or were regularly used as, repositories of  
2 Oracle Software and Support Materials that are not associated with a specific customer. Rimini  
3 Street further objects to this interrogatory on the grounds that it would require Rimini Street to create  
4 a compilation, abstract, or summary from documents that Rimini Street has produced or will produce  
5 to Plaintiffs.

6 Subject to and without waiver of the foregoing general and specific objections, Rimini Street  
7 further responds as follows:

8 Rimini identifies the following as locations that currently or at one time included Oracle  
9 Software and Support Materials:

10 \\rsi-clsvr01\client\_software\PeopleSoft;

11 \\rsi-clsvr01\internal\_software;

12 \\rsi-data01\share\client\_archives\ftp.peoplesoft.com;

13 \\rsi-data01\share\software\oracle;

14 \\rsi-data01\share\software\PeopleSoft;

15 \\rsi-clsvr01\fileshare\software\Peoplesoft;

16 \\rsi-clsvr01\client\_software\For Development Use Only; and

17 \\rsi-clsvr03\d01\install.

18 The location \\rsi-clsvr01\client\_software\PeopleSoft has included materials relating to  
19 PeopleSoft software. In the past, certain materials at this location may have been used in building  
20 environments for a particular client after Rimini verified that the particular client was entitled to  
21 these certain materials.

22 The location \\rsi-clsvr01\internal\_software was a parent directory with subdirectories that  
23 have included installation materials relating to PeopleSoft software and Oracle Database software. In  
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3 client after Rimini verified that the particular client was entitled to these certain materials.

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5 obtained from PeopleSoft's FTP website. This location was, at one time, intended to be used as a  
6 repository for materials for clients that had the right to access such materials through PeopleSoft's  
7 FTP site.

8 The location \\rsi-data01\share\software\oracle has included materials relating to Oracle  
9 Database software.

10 The location \\rsi-data01\share\software\PeopleSoft has included materials relating to  
11 PeopleSoft software.

12 The location \\rsi-clsvr01\client\_software\For Development Use Only has included materials  
13 relating to Oracle Software and Support Materials. Oracle has had access to this location via VPN  
14 for some time.

15 The address \\rsi-clsvr01\fileshare\software\Peoplesoft provides a link to \\rsi-  
16 clsvr01\client\_software\PeopleSoft, which may include Software and Support materials and  
17 described above. Additionally, the address 10.12.1.5 is the IP Address for \\rsi-clsvr01, which may  
18 include Software and Support materials as described above.

19 The testimony from the October 5, 2011 deposition of Krista Williams at 24:24-26:14, 27:7-  
20 28:2, 28:14-30:6, 32:1-33:19, 36:5-39:21, 45:19-46:5, 54:3-54:25, 56:18-57:18, 58:13-59:18, 60:9-  
21 62:5, 63:4-63:17, and 190:1-190:21.

22 Rimini further responds that, pursuant to Federal Rule of Civil Procedure 33(d), Rimini has  
23 produced and/or will produce documents from which the answer to this Interrogatory can be  
24 ascertained, including but not limited to the following:

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27 Oracle Specified Locations, as well as use of such information.

1 The documents spanning Bates-range RSI02971994-2158, which are Build Requests that  
2 may indicate the sources for environment builds.

3  
4  
5 Dated: November 22, 2011

6 /s/ Robert H. Reckers

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9 Eric Buresh, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served on the November 22, 2011 via email, as indicated below.

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By: /s/ Robert H. Reckers  
Robert H. Reckers.

**EXHIBIT 5**  
**FILED UNDER SEAL**



**EXHIBIT 6**  
**FILED UNDER SEAL**

# **EXHIBIT 7**

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*Attorneys for Defendants*  
*RIMINI STREET, INC. and SETH RAVIN*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANT RIMINI STREET INC.'S  
SECOND AMENDED RESPONSES  
AND OBJECTIONS TO PLAINTIFFS'  
THIRD SET OF REQUESTS FOR  
ADMISSIONS TO DEFENDANT  
RIMINI STREET, INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Rimini Street, Inc. ("Rimini Street"), by and through its undersigned counsel, responds to Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp.'s ("Oracle") Third Set of Requests for Admissions ("Requests").



1           6. Rimini Street objects to these Requests to the extent they contain vague,  
2 ambiguous, and non-specific statements.

3           7. Rimini Street objects to these Requests to the extent they cannot be admitted  
4 or denied without providing commentary.

5           8. Rimini Street objects to the definition of the phrase “more than a de minimis  
6 or trivial amount of protectable expression” to the extent it seeks to incorporate legal conclusions.

7           9. Rimini Street objects to the definitions of the terms “Complete or Partial  
8 Copy”, “Environment,” “Oracle Database Software,” “Oracle Enterprise Software,” and “Software  
9 and Support Materials” to the extent that, when read together, the definitions are convoluted and  
10 circular.

11           10. Rimini objects to the definition of the terms “Internal Software Library” and  
12 “Software Library” to the extent that the proffered definitions deviates from the plain and ordinary  
13 meaning of the term “library” and to the extent that these terms imply a library of software for  
14 general or generic use without regard to rights afforded to Rimini customers’ under their respective  
15 license agreements with Oracle. Rimini further objects to the inclusion of the phrase “related  
16 materials” in the proffered definition of “Software Library” as vague and ambiguous.

17           11. Rimini objects to the definition of the term “Automated Downloading Tool”  
18 as vague and ambiguous and to the extent that Oracle’s requests seek to imply that the tools used by  
19 Rimini were prohibited by the terms of Oracle’s various website. As conventional Internet browsers  
20 submit Internet download requests in what may be considered a “rapid, automated fashion,” it is  
21 unclear what Internet communication software is excluded from Oracle’s definition. To respond,  
22 Rimini construes Oracle’s proffered definition of “Automated Download Tools” to encompass tools  
23 that utilized standard Internet browsers and applications to interact with websites, including such  
24 Rimini-created tools listed by Oracle’s definition.

25           12. Rimini objects to Oracle’s Exhibit A and Oracle’s requests citing this exhibit  
26 as overly broad and unduly burdensome. Rimini does not have reasonable means by which it can  
27 verify the accuracy of the 88,730 files listed on the of the 1,699 pages of text found in Exhibit A,  
28 and Oracle has declined to provide a declaration detailing how Exhibit A was created. Where

possible, Rimini has attempted to respond based on Oracle's representation that the files listed on Exhibit A correspond to files produced from Rimini's HRMS Delivered Objects folder.<sup>1</sup> However, for many requests directed to Exhibit A, Rimini cannot respond given the extreme burden and overbreadth associated with Oracle's Exhibit A.

## **RESPONSES**

### **REQUEST NO. 25:**

Admit that each Environment identified in Your responses to Interrogatories No. 20 and 21 as containing Siebel-branded Oracle Enterprise Software embodied more than a *de minimis* or trivial amount of protectable expression from at least one of the Registered Works.

### **RESPONSE:**

Subject to and without waiver of the foregoing general objections, Rimini admits that each Environment identified in its response to Interrogatories No. 20 and 21 as containing Siebel-branded Oracle Enterprise Software embodied more than a trivial amount of protectable expression from at least one of the Registered Works.

### **REQUEST NO. 26:**

With respect to Your written and electronic requests that Oracle ship software to a Rimini Street address, admit that more than 50% of the requests asked Oracle to ship the software to an "offsite backup location."

### **RESPONSE:**

Subject to and without waiver of the foregoing general objections, Rimini responds: Admitted.

### **REQUEST NO. 27:**

Admit that, at least once, You instructed a Rimini Street customer or prospective Rimini Street customer to state that software was to be shipped to an "offsite backup location" when that customer or prospective customer requested that Oracle ship software to a Rimini Street address.

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<sup>1</sup> Rimini notes that Exhibit A includes duplicate entries for numerous files. In responding, Rimini considers these duplicate entries to correspond to only one actual file in the HRMS Delivered Objects folder.

1 acts of copying Oracle Software and Support Material into the indicated file locations in 2007.  
2 Rimini objects to this request to the extent it relates to information not in Rimini's custody or  
3 control. Rimini did not maintain records regarding each such action contemplated by this request.  
4 Therefore, Rimini cannot admit or deny this request given its overbreadth and the lack of  
5 available information.

6 **REQUEST NO. 63:**

7 Admit that, in 2010, Rimini Street only copied Oracle Software and Support Material into  
8 the Internal Software Libraries when no copy of that material was already present in the Internal  
9 Software Libraries.

10 **RESPONSE:**

11 Subject to and without waiver of the foregoing general objections, Rimini denies copying  
12 Oracle software or support materials into the network locations indicated by this request in 2010.

13 **REQUEST NO. 64:**

14 Admit that, in 2011, Rimini Street only copied Oracle Software and Support Material into  
15 the Internal Software Libraries when no copy of that material was already present in the Internal  
16 Software Libraries.

17 **RESPONSE:**

18 Subject to and without waiver of the foregoing general objections, Rimini denies copying  
19 Oracle software or support materials into the network locations indicated by this request in 2011.

20 **REQUEST NO. 65:**

21 Admit that, in 2006, Rimini Street built the majority of local Environments created by  
22 Rimini Street using Oracle Software and Support Material that was present in the Internal  
23 Software Libraries.

24 **RESPONSE:**

25 Rimini objects to the phrase "created by Rimini Street using Oracle Software and Support  
26 Material that was present in the Internal Software Libraries" as vague and ambiguous. In  
27 responding, Rimini interprets this phrase to mean "created by Rimini Street using the copies of  
28 Oracle Software and Support Material stored in the Internal Software Libraries."

1 Subject to and without waiver of the foregoing general and specific objections: Denied.

2 **REQUEST NO. 66:**

3 Admit that, in 2007, Rimini Street built the majority of local Environments created by  
4 Rimini Street using Oracle Software and Support Material that was present in the Internal  
5 Software Libraries.

6 **RESPONSE:**

7 Rimini objects to the phrase “created by Rimini Street using Oracle Software and Support  
8 Material that was present in the Internal Software Libraries” as vague and ambiguous. In  
9 responding, Rimini interprets this phrase to mean “created by Rimini Street using the copies of  
10 Oracle Software and Support Material stored in the Internal Software Libraries.”

11 Subject to and without waiver of the foregoing general and specific objections: Denied.

12 **REQUEST NO. 67:**

13 Admit that, in 2008, Rimini Street built the majority of local Environments created by  
14 Rimini Street using Oracle Software and Support Material that was present in the Internal  
15 Software Libraries.

16 **RESPONSE:**

17 Rimini objects to the phrase “created by Rimini Street using Oracle Software and Support  
18 Material that was present in the Internal Software Libraries” as vague and ambiguous. In  
19 responding, Rimini interprets this phrase to mean “created by Rimini Street using the copies of  
20 Oracle Software and Support Material stored in the Internal Software Libraries.”

21 Subject to and without waiver of the foregoing general and specific objections: Denied.

22 **REQUEST NO. 68:**

23 Admit that, in 2009, Rimini Street built the majority of local Environments created by  
24 Rimini Street using Oracle Software and Support Material that was present in the Internal  
25 Software Libraries.

26 **RESPONSE:**

27 Rimini objects to the phrase “created by Rimini Street using Oracle Software and Support  
28 Material that was present in the Internal Software Libraries” as vague and ambiguous. In



1 responding, Rimini interprets this phrase to mean “created by Rimini Street using the copies of  
2 Oracle Software and Support Material stored in the Internal Software Libraries.”

3 Subject to and without waiver of the foregoing general and specific objections: Denied.

4 **REQUEST NO. 69:**

5 Admit that, in 2010, Rimini Street built the majority of local Environments created by  
6 Rimini Street using Oracle Software and Support Material that was present in the Internal  
7 Software Libraries.

8 **RESPONSE:**

9 Rimini objects to the phrase “created by Rimini Street using Oracle Software and Support  
10 Material that was present in the Internal Software Libraries” as vague and ambiguous. In  
11 responding, Rimini interprets this phrase to mean “created by Rimini Street using the copies of  
12 Oracle Software and Support Material stored in the Internal Software Libraries.”

13 Subject to and without waiver of the foregoing general and specific objections: Denied.

14 **REQUEST NO. 70:**

15 Admit that, in 2011, Rimini Street built the majority of local Environments created by  
16 Rimini Street using Oracle Software and Support Material that was present in the Internal  
17 Software Libraries.

18 **RESPONSE:**

19 Rimini objects to the phrase “created by Rimini Street using Oracle Software and Support  
20 Material that was present in the Internal Software Libraries” as vague and ambiguous. In  
21 responding, Rimini interprets this phrase to mean “created by Rimini Street using the copies of  
22 Oracle Software and Support Material stored in the Internal Software Libraries.”

23 Subject to and without waiver of the foregoing general and specific objections: Denied.

24 **REQUEST NO. 71:**

25 Admit that, in 2006, at least 90% of the Oracle Software and Support Material in the  
26 Internal Software Libraries that was used to build local Environments created by Rimini Street  
27 was not organized or segregated by client.

28 **RESPONSE:**

**REQUEST NO. 249:**

Admit that, in 2011, Rimini Street used one or more of the environments identified as items 1-32 on Exhibit C to create the majority of DAT files generated by Rimini Street.

**RESPONSE:**

Subject to and without waiver of its general objections: Admitted.

**REQUEST NO. 250:**

Admit that, in 2011, Rimini Street used one or more of the environments identified as items 1-32 on Exhibit C to create the majority of DAT files received from Rimini Street by each of Rimini Street's then-current customers.

**RESPONSE:**

Subject to and without waiver of its general objections: Admitted.

DATED: January 4, 2012 SHOOK, HARDY & BACON

By: /s/ Robert H. Reckers  
Robert H. Reckers, Esq.  
Attorney for Defendants  
Rimini Street, Inc. and Seth Ravin

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Defendant's First Amended Responses and Objections to Plaintiffs' Third Set of Requests for Admissions was served on the 4th day of January, 2012, via email, as indicated below.

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**EXHIBIT 8**  
**FILED UNDER SEAL**

**EXHIBIT 9**  
**FILED UNDER SEAL**

**EXHIBIT 10**  
**FILED UNDER SEAL**

**EXHIBIT 11**  
**FILED UNDER SEAL**

**EXHIBIT 12**  
**FILED UNDER SEAL**



**EXHIBIT 13**  
**FILED UNDER SEAL**

**EXHIBIT 14**  
**FILED UNDER SEAL**

**EXHIBIT 15**  
**FILED UNDER SEAL**

**EXHIBIT 16**  
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**EXHIBIT 17**  
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**EXHIBIT 18**  
**FILED UNDER SEAL**

**EXHIBIT 19**  
**FILED UNDER SEAL**

**EXHIBIT 20**  
**FILED UNDER SEAL**